

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
<b>Commnet of Arizona, LLC</b>	)	
<b>Commnet of Delaware, LLC</b>	)	
<b>Elbert County Wireless, LLC</b>	)	
<b>Chama Wireless, LLC</b>	)	
<b>Excomm, LLC</b>	)	CC Docket No. 94-102
<b>MoCelCo, LLC</b>	)	
<b>Tennessee Cellular Telephone Company</b>	)	
<b>Commnet Wireless, LLC</b>	)	
<b>Commnet Four Corners, LLC</b>	)	
<b>Commnet of Florida, LLC</b>	)	
	)	
For Waiver of Deadlines for Implementation	)	
of Phase II E911	)	
	)	
And for Partial Waiver of Section 20.18(d) to	)	
Demarcate Cost Allocation at the Wireless	)	
Carrier Mobile Switching Center	)	

To: The Commission

**FURTHER SUPPLEMENT TO  
PETITION FOR WAIVER OF DEADLINES FOR IMPLEMENTATION  
OF PHASE II E911 AND FOR WAIVER OF *KING COUNTY*  
DEMARCATIION POINT RULING**

Commnet of Arizona, LLC (“CAZ”), Commnet of Delaware, LLC (“CDL”), Elbert County Wireless, LLC (“Elbert”), Chama Wireless, LLC (“Chama”), Excomm, LLC (“Excomm”), MoCelCo, LLC (“MCC”), Tennessee Cellular Telephone Company (“TCTC”), Commnet Wireless, LLC (“CWLLC”), Commnet Four Corners, LLC (“CFC”), and Commnet of Florida, LLC (“Florida”) (collectively, the “Petitioner-Small-Carriers”<sup>1</sup>), by their attorneys,

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<sup>1</sup> Each of the Petitioner-Small-Carriers is a “Tier III” wireless carrier, as defined in the Commission’s decision in *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, 17 FCC Rcd. 14841 (2002) (“*Small Carrier E911 Extension*”). Each serves

hereby further supplement their September 9, 2002 “Petition for Limited and Temporary Waiver of Deadlines for Implementation of Phase II E911 on the Same Basis as Other Tier III Wireless Carriers, and For Waiver of *King County* Demarcation Point Ruling” (“Petition”), as amended and supplemented on August 15, 2003 (“Amendment”) <sup>2</sup> and again on December 19, 2003 (“Supplement”) <sup>3</sup>. The Amendment modified the nature of the relief requested, in light of new developments since the original filing of the Petition. The Supplement provided information regarding changes in the identities of Petitioner-Small Carriers, and additional information and materials supporting the requested relief specified in the Amendment. <sup>4</sup> This Further Supplement provides information regarding additional changes in the identities of Petitioner-Small Carriers since the filing of the Supplement, and revises Exhibit A to the Petition to reflect same and some changes in the licenses they hold.

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only rural areas – to the limited extent that any areas within MSAs are served, it is as an “unserved area” licensee. Thus, even these are rural in nature.

<sup>2</sup> See August 15, 2003 “Amendment and Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling”.

<sup>3</sup> See December 19, 2003 “Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling”, filed pursuant to *Order to Stay*, 18 FCC Rcd 20987 (2003).

In April of 2005, the Commission dismissed Petitioner-Small Carriers’ Petition on the grounds that they failed to supplement the Petition with additional information supporting grant of the requested waiver, as directed by the *Order to Stay, supra*. See *Order*, 20 FCC Rcd 7709 (2005). On May 2, 2005, Petitioner-Small Carriers filed a petition seeking reconsideration of that decision on the grounds that they did, in fact, file such a supplement, specifically the December 19, 2003 Supplement. Therefore, Petitioner-Small Carriers presumes the Commission is treating the Petition as still pending and is submitting this Further Supplement thereto, to maintain the currency of the Petition. (The Commission has yet to issue a determination respecting the petition for reconsideration.)

<sup>4</sup> All facts set forth herein are supported by the Declaration of Petr Valkoun, the E911 Compliance Officer for each of the Petitioner-Small-Carriers, attached hereto as Exhibit B.

## **UPDATES IN IDENTITY OF PETITIONER-SMALL CARRIERS**

CWLLC acquired new licenses and constructed systems pursuant to those licenses, both directly in its own name and through a new, wholly-owned subsidiary, Commnet Illinois, LLC. Thus, CWLLC is being listed once again as a petitioner in this proceeding.<sup>5</sup>

## **CHANGES IN LICENSE HOLDINGS**

As reflected on attached revised Exhibit A, the following changes have occurred respecting Petitioner-Small Carriers' license holdings: (a) Chama acquired a new license under call sign WQDY775, for a cellular system currently being constructed; (b) Excomm's licenses under call signs WPUH800 and WPUY962 cancelled, and Excomm acquired a new license under call sign WPZE799; and (c) CWLLC holds, directly or indirectly, six licenses acquired via assignments from non-affiliated third parties.

## **CONCLUSION**

In consideration of the foregoing, in conjunction with Petitioner-Small Carriers presentations in their Petition and Amendment, Petitioner-Small Carriers respectfully request that the Commission partially waive Section 20.18(d), as applied to Petitioner-Small Carriers,

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<sup>5</sup> In the several years this proceeding has been pending, there have been multiple ownership changes among the captioned petitioners and, as noted, CWLLC has and will continue to create and dissolve subsidiaries as it acquires and divests wireless systems. Except for Florida and TCTC, Petitioner-Small Carriers are now all wholly-owned or majority-owned subsidiaries of CWLLC (which remains a minority owner of Florida and TCTC). Two CWLLC affiliates which no longer hold any Commission licenses have been removed from the caption. The specific identity of each CWLLC licensee subsidiary, whether captioned or not, is shown in revised Exhibit A hereto.

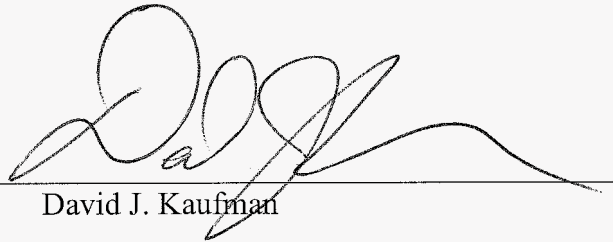
and grant Petitioner-Small Carriers the relief requested in their Petition, as subsequently amended and supplemented.

Respectfully submitted,

**COMMNET OF ARIZONA, LLC, COMMNET  
OF DELAWARE, LLC, ELBERT COUNTY  
WIRELESS, LLC, CHAMA WIRELESS LLC,  
EXCOMM, LLC, MOCELCO, LLC,  
TENNESSEE CELLULAR TELEPHONE  
COMPANY, COMMNET WIRELESS, LLC,  
COMMNET FOUR CORNERS, LLC, and  
COMMNET OF FLORIDA, LLC**

February 13, 2006

By:

A handwritten signature in black ink, appearing to read 'David J. Kaufman', written over a horizontal line.

David J. Kaufman

Their Attorney

Brown Nietert & Kaufman, Chartered  
1301 Connecticut Ave., NW, Suite 450  
Washington, D.C. 20036  
(202) 887-0600

## Exhibit A

<u>Company</u>	<u>Call Sign</u>	<u>Market</u>	<u>Status</u>
Commnet of Arizona, LLC.	KNKR208	CMA026	Constructed
		CMA077	Constructed
Commnet of Delaware, LLC	KNKR222	CMA097	Constructed
		CMA340	Constructed
Elbert County Wireless, LLC	KNKR202	CMA352	Constructed
		WPRS845	Constructed
Chama Wireless, LLC	WPRS917	CMA719	Constructed
		CMA299	Constructed
	WPRS922	CMA719	Constructed
		WPRS901	Constructed
		CMA350	Constructed
		WQDY775	Construction Permit
Excomm, LLC	WPUD593	CMA720	Constructed
		CMA348	Constructed
	WPUC784	CMA580	Constructed
		CMA581	Constructed
		CMA584	Constructed
		WPUD594	Constructed
	WPUH602	CMA523	Constructed
		WPUH619	Constructed
		CMA584	Constructed
		CMA298	Constructed
	WPZE799	CMA553	Constructed
		WPUP317	Constructed
		CMA584	Constructed
		CMA635	Constructed
		CMA636	Constructed
		WPUH805	Constructed
		CMA528	Constructed
		CMA297	Constructed
		CMA530	Constructed
		WPUX427	Constructed
	WPVI996	CMA721	Constructed
		CMA320	Constructed
	WPUV963	CMA355	Constructed
		CMA356	Constructed
	WPUJ480	CMA720	Constructed
		CMA718	Constructed
	WPUK842	CMA348	Constructed
		WPTD845	Constructed
MoCelCo, LLC	WPTD845	CMA509	Constructed
Tennessee Cellular Telephone Company	KNKR257	CMA650	Constructed
Commnet of Florida, LLC	WPSJ791	CMA370	Constructed
Commnet Four Corners	KNLH699	BTA420	Constructed
		WPOZ728	Constructed
	WPYH715	MTA039	Constructed
		WPYH716	Constructed
Commnet Illinois, LLC	KNLG216	BTA168	Constructed
		KNLH449	Constructed
	BTA230	WQAE415	Constructed
		MTA019	Constructed
	WQAF337	BTA061	Constructed
		WQAJ963	Constructed
Commnet Wireless, LLC	BTA230	WQAE414	Constructed
		MTA027	Constructed

**DECLARATION OF PETR VALKOUN**

I, Petr Valkoun, hereby state, under penalty of perjury, as follows:

1. I am the E911/CALEA Liaison Officer for each of Commnet Wireless, Inc., and its affiliates, Commnet of Arizona, LLC, Commnet of Delaware, LLC, Elbert County Wireless, LLC, Chama Wireless LLC, Excomm, LLC, MoCelCo, LLC, Tennessee Cellular Telephone Company, Commnet Four Corners, LLC, and Commnet of Florida, LLC. (collectively, the "Petitioner-Small-Carriers"). The Petitioner-Small-Carriers are small carriers who employ me on a collective basis to be responsible for compliance with E911 and CALEA requirements.

2. I have reviewed the Petitioner-Small-Carriers' "Further Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and for Waiver of *King County* Demarcation Point Ruling" ("Further Supplement"). All facts set forth in the Further Supplement are true and correct, to the best of my knowledge, information and belief.

Executed February 13, 2006.



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Petr Valkoun

## CERTIFICATE OF SERVICE

I, Steve Denison, a paralegal at the law firm of Brown Nietert & Kaufman, Chartered, hereby certify that I have caused a copy of the foregoing "Further Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling" to be sent by electronic mail this 13<sup>th</sup> day of February, 2006, to each of the following:

Katherine Seidel, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-C252  
Washington, D.C. 20554  
[Katherine.Seidel@fcc.gov](mailto:Katherine.Seidel@fcc.gov)

James D. Schlichting, Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
[Jim.Schlichting@fcc.gov](mailto:Jim.Schlichting@fcc.gov)

Michael J. Wilhelm, Chief  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
[Michael.Wilhelm@fcc.gov](mailto:Michael.Wilhelm@fcc.gov)

Jeff Cohen, Deputy Chief  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
[Jeff.Cohen@fcc.gov](mailto:Jeff.Cohen@fcc.gov)



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Steve Denison